

No. 4776

**UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
AUSTRALIA**

**Agreement (with schedule) for air services between and
through their respective territories. Signed at London,
on 7 February 1958**

Official text: English.

Registered by the International Civil Aviation Organization on 17 June 1959.

**ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
AUSTRALIE**

**Accord (avec tableau) relatif aux services aériens entre
leurs territoires respectifs et au-delà. Signé à Londres,
le 7 février 1958**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 17 juin 1959.

No. 4776. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA FOR AIR SERVICES BETWEEN AND THROUGH THEIR RESPECTIVE TERRITORIES. SIGNED AT LONDON, ON 7 FEBRUARY 1958

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia,

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December 1944² (hereinafter referred to as "the Convention"), and

Recognising the great advantages which have accrued to both countries from the partnership operations of their airlines over many years on the route between the United Kingdom and Australia, and

Noting that such partnership operations are consistent with the said Convention and in particular with Chapter XVI thereof, and

Desiring not only to maintain the high degree of co-operation which has been established during that time in respect of the existing route between the two countries but also to extend that co-operation to other routes which may be brought into partnership operation in the future, and

Having in mind the vital importance of air communications to the countries of the Commonwealth and in particular the need to maintain and develop air routes between the territories of the United Kingdom and Australia, and

Desiring also to foster the development of air travel as a means of promoting international understanding and good will, and

Desiring to conclude an agreement, supplementary to the said Convention, for the purpose of promoting the development of air services between and through their respective territories,

Have agreed as follows :

Article 1

(1) For the purpose of the present Agreement, unless the context otherwise requires :

(a) the term "aeronautical authorities" means, in the case of the United Kingdom, the Minister of Transport and Civil Aviation and any person or

¹ Came into force on 7 February 1958, the date of signature, in accordance with article 14.

² See footnote 2, p. 4 of this volume.

body authorised to perform any functions at present exercised by the said Minister or similar functions, and, in the case of the Commonwealth of Australia, the Director-General of Civil Aviation and any person or body authorised to perform any functions at present exercised by the said Director-General or similar functions;

- (b) the term "designated airline" means an airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for the operation of air services on the routes specified in such notification;
- (c) subject to paragraph (2) of this Article, the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State; and
- (d) the terms "air service," "international air service," "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention.

(2) This Agreement shall not apply to any part of the territory of a Contracting Party where, for constitutional reasons, the consent of the Government of that part to its application is necessary, until that consent has been obtained.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement for the purpose of establishing air services on the routes specified in the appropriate Section of the Schedule¹ thereto (hereinafter called "the agreed services" and "the specified routes").

(2) Subject to the provisions of the present Agreement, the airlines designated by each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following privileges:

- (a) to fly without landing across the territory of the other Contracting Party;
- (b) to make stops in the said territory for non-traffic purposes; and
- (c) to make stops in the said territory at the points specified for that route in the Schedule to the present Agreement for the purpose of putting down or taking on international traffic in passengers, cargo or mail.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airlines of one Contracting Party the privilege of carrying the cabotage traffic of the other Contracting Party.

Article 3

(1) Each Contracting Party shall have the right to designate in writing to the other Contracting Party one or more airlines for the purpose of operating the agreed services on the specified routes.

¹ See p. 38 of this volume.

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline or airlines designated the appropriate operating authorisation.

(3) The aeronautical authorities of one Contracting Party may require an airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally and reasonably applied by them in conformity with the provisions of the Convention to the operation of commercial international air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of an airline and to withhold or revoke the grant to an airline of the privileges specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of the Contracting Party designating the airline.

(5) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, an airline so designated and authorised may begin to operate the agreed services provided that a service shall not be operated unless a tariff established in accordance with the provisions of Article 7 of the present Agreement is in force in respect of that service.

(6) Each Contracting Party shall have the right to suspend the exercise by an airline of the privileges specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by an airline of those privileges in any case where the airline fails to comply with the laws or regulations of the Contracting Party granting those privileges or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement; provided that, unless immediate suspension or imposition of conditions is essential to prevent further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

(1) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into the territory of the United Kingdom, or taken on board aircraft of the designated airline of the Government of Australia in that territory, by or on behalf of that designated airline and intended solely for use in such aircraft shall be accorded the following treatment by the Government of the United Kingdom in respect of customs duties, inspection fees and other similar national or local duties and charges :

(a) in the case of fuel and lubricating oils remaining on board aircraft at the

last airport of call before departure from the territory of the United Kingdom, exemption, and

- (b) in the case of fuel and lubricating oils not included under (a) and spare parts, regular aircraft equipment and aircraft stores, treatment not less favourable than that accorded to similar supplies introduced into the territory of the United Kingdom, or taken on board aircraft in that territory, and intended solely for use in the aircraft of a national airline of the United Kingdom or of the foreign airline most favoured by the Government of the United Kingdom, engaged in international air services.

(2) Fuel, lubricating oils, spare parts, regular aircraft equipment and aircraft stores introduced into Australian territory or taken on board aircraft of the designated airline of the Government of the United Kingdom in that territory by or on behalf of that designated airline and intended solely for use in such aircraft shall be accorded by the Government of Australia in respect of customs duties, inspection fees, and other similar national or local duties and charges, exemptions or remissions in those cases in which such exemptions or remissions are accorded to the designated airline of the Government of Australia by the Government of the United Kingdom.

(3) This treatment shall be in addition to and without prejudice to that which each Contracting Party is under obligation to accord under Article 24 of the Convention.

Article 5

(1) There shall be fair and equal opportunity for the designated airlines of both Contracting Parties to operate the agreed services on the specified routes between their respective territories.

(2) In operating the agreed services, the designated airlines of each Contracting Party shall take into account the interests of the airlines of the other Contracting Party so as not to affect unduly the services which the latter provide on the whole or part of the same routes.

(3) The agreed services provided by the designated airlines of the Contracting Parties shall bear a close relationship to the requirements of the public for transport on the specified routes. The agreed services provided by each designated airline shall have as their primary objective the provision of capacity adequate for the requirements of traffic originating in, or destined for, the territory of the Contracting Party which has designated that airline. Provision for the carriage on the agreed services of passengers, cargo and mail both originating in and destined for the territories of States other than that designating